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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,396	09/12/2003	Joseph R. Hedrick	0112300-447	8419
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BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			RADA, ALEX P	
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			3713	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/661,396	Applicant(s) HEDRICK ET AL.	
	Examiner Alex P. Rada	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to the amendment filed September 6, 2005 in which the applicant amends claims 1, 11, 21, and 36, withdraws claims 41-62, and claims 1-40 are pending in this office action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMar et al. (US 6,270,410) in view of Hughes, IV. (US 6,120,025).

3. DeMar et al discloses the following:

A cabinet (18), a game operable upon a wager (52), a processor operable to control the game (46), and a switch connected extendably to the cabinet, in which the examiner interprets the remote control to be an equivalent to a switch connected extendably to the cabinet (figure 2), the switch having a relatively rigid housing (figures 1-2) and the switch operable with the processor to control a function of the game (figures 1-2) as recited in claims 1 and 12.

The switch is of a type selected from the group consisting of: maintained, momentary and multi-position, in which the examiner interprets the buttons on the remote control to be an equivalent to the switch is of a

type selected from the group consisting of: maintained, momentary and multi-position as recited in claim 2.

The switch includes multiple buttons that operate multiple functions of the game, in which the examiner interprets the remote control (90) to be an equivalent to the switch includes multiple buttons that operate multiple functions of the game as recited in claim 3.

The elastomeric cover is adhered to the housing (figures 1-2) as recited in claim 4.

The housing mechanically holds the cover in place (figures 1-2) as recited in claim 5.

The housing includes a multi-piece housing, in which the examiner interprets the different parts that make up the remote control to be an equivalent to multi-piece housing (figure 2) as recited in claim 6.

The multiple pieces each mechanically holds the cover in place, in which the examiner interprets the combination of the different parts that make up the remote control to be an equivalent to the multiple pieces each mechanically holds the cover in place (figure 2) as recited in claim 8.

The function is selected from the group consisting of: a play function, a bet increment function, a max-bet function, a repeat the bet function, and a cash out function (column 3, line 63 – column 4, line 22 and figures 1-2) as recited in claim 9.

The cord is flexible cord (92) as recited in claim 13.

Art Unit: 3713

A strain relief wire positioned inside the cord to prevent the cord from unduly stretching, in which the examiner interprets the metal braided cable to be a functional equivalent to a strain relief as recited in claim 14.

The switch is a play button or a bet button (column 3, line 63 – column 4, line 22 and figures 1-2) as recited in claim 15

DeMar does not expressly disclose the following:

A switch connected retractably to the cabinet and a relatively elastomeric cover disposed on the housing as recited in claim 1.

The pieces are molded separately and wherein one of the pieces is co-molded with the cover as recited in claim 7.

The elastomeric cover housing is simultaneously cured as recited in claim 11.

Having first and second materials co-molded in position with respect to a portion of the cord as recited in claim 12.

The second material includes an elastomeric cover that is molded to the rigid housing after the first material has cured as recited in claims 10 and 16.

The first material is a rigid material selected from a group consisting of urethane, plastic, polyvinyl chloride, polyvinyl acetate and acrylic as recited in claim 17.

The second material is a flexible material selected from a group consisting of synthetic rubber, natural rubber and foam products as recited in claim 18.

The extendable switch is also retractable via a spring housed inside the cabinet as recited in claim 19.

The spring loaded switch can be set at least one extended position via a ratcheting mechanism as recited in claim 20.

Cordell teaches the following:

A switch connected retractably to the cabinet (figures 1-2 and summary) as recited in claim 1.

The extendable switch (14) is also retractable via a spring housed inside the cabinet (figures 1-4) as recited in claim 19.

The spring loaded switch can be set at least one extended position via a ratcheting mechanism (figures 1-4) as recited in claim 20. By having a retractable remote controller, one of ordinary skill in the art would allow customers to remotely control the gaming machine from a comfortable distance away from the gaming machine while standing or reclining, or otherwise sitting, in a chair, stool, etc.

Hughes, IV teaches the following:

A relatively elastomeric cover disposed on the housing, in which the examiner interprets the covering material (110) to be an equivalent to a relatively elastomeric cover disposed on the housing as recited in claim 1.

The pieces are molded separately and wherein one of the pieces is co-molded with the cover, in which the examiner interprets the covering material (110) to be one of the pieces is co-molded with the cover as recited in claim 7.

The elastomeric cover housing is simultaneously cured, in which the examiner interprets the covering materials conforming to the contours of the control capable of being simultaneously cured as recited in claim 11.

Having first and second materials co-molded in position with respect to a portion of the cord, in which the examiner interprets the covering material (110) covering the controller to be an equivalent to first and second materials co-molded in position with respect to a portion of the cord (figures 1-11) as recited in claim 12. *The claimed phrase "having first and second materials co-molded in position with respect to a portion of the cord" is being treated as a product by process limitation; that is, that the first and second materials are co-molded together. As set forth in MPEP 2113, product by process claims are NOT limited to the manipulations of the recited steps, only to the structure implied by the steps. Therefore, even if "the first and second materials are co-molded" results in different structural characteristics of the end product than other molding methods, it still would have been prima facie obvious at the time the invention was made to use "co-molded" materials in DeMar et al since Hughes, IV teaches that having materials co-molded together provides a non-slip grip for the user, enabling more effective use of the controller.*

The second material includes an elastomeric cover that is molded to the rigid housing after the first material has cured, in which the examiner interprets the covering material (110) being placed on the controller to be an equivalent to the second material includes an elastomeric cover that is molded to the rigid housing after the first material has cured (figures 1-11) as recited in claims 10 and 16.

The first material is a rigid material selected from a group consisting of urethane, plastic, polyvinyl chloride, polyvinyl acetate and acrylic as recited in claim 17.

The second material is a flexible material selected from a group consisting of synthetic rubber, natural rubber and foam products (column 6, lines 22-31) as recited in claim 18.

By having elastomeric material disposed on the housing, one of ordinary skill in the art would provide a non-slip grip for the user, enabling more effective use of the controller.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify DeMar et al to include all of the limitations discussed above as taught by Cordell and Hughes, IV to provide a non-slip grip for the user, enabling more effective use of the controller.

4. Claims 21 and 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell (US 2004/0140617) in view of Hollowed (US 6,293,485).
5. Cordell discloses the following:

A cabinet (12), a game operable upon a wager (52), a processor (46) operable to control the game, and a switch connected extendably, and retractably to the cabinet via a cord, in which the examiner interprets the remote controller (14) to be a functional equivalent to the a switch extendably and retractably to the cabinet via a cord and a spring, wherein the

spring causes the switch and cord to retract (figures 1-4 and summary) as recited in claim 21.

The spring is a coil spring that uncoils as the switch and cord are extended and recoils as the switch and cord are retracted (figure 2 and paragraphs 28-32) as recited in claim 25.

The spring and cord are attached to a rotating member that meters-out and rolls-up the cord when the switch and cord are extended and retracted, respectively (figure 2 and paragraphs 28-32) as recited in claim 26.

The electrical wires extending from within the cord attach electrically to the rotating member (figure 2 and paragraphs 28-32) as recited in claim 27.

The rotating member makes electrical contact with a stationary member via electrical traces provided on one of the members and at least one electrical connector provided on the other of the members (figure 2 and paragraphs 28-32) as recited in claim 28.

A strain relief cable attached to the member and the switch, the cable fixing substantially an overall length of the cord, in which the examiner interprets the braided cable to be a functional equivalent to a strain relief cable (figure 2 and paragraphs 28-32) as recited in claim 29.

A spring loaded pawl fixed translationally with respect to the ratchet, the pawl operable to lock the ratchet into a fixed rotational position, in which the examiner interprets the braking device (100) to be a functional equivalent to a spring loaded pawl fixed translationally with respect to the ratchet, the

pawl operable to lock the ratchet into a fixed rotational position (figure 2 and paragraphs 28-32) as recited in claim 30.

The pawl is operable to lock the ratchet when the ratchet rotates in a cord extending direction but not lock the ratchet when the ratchet rotates in a cord recoiling direction, in which the examiner interprets the braking device (100) to be a functional equivalent to the pawl is operable to lock the ratchet when the ratchet rotates in a cord extending direction but not lock the ratchet when the ratchet rotates in a cord recoiling direction (figure 2 and paragraphs 28-32) as recited in claim 31.

The ratchet defines at least one area that is configured not to engage a locking member, the area operable to commence recoiling of the spring-loaded switch, in which the examiner interprets the braking device (100) to be a functional equivalent to the ratchet defines at least one area that is configured not to engage a locking member, the area operable to commence recoiling of the spring-loaded switch (figure 2 and paragraphs 28-32) as recited in claim 32.

The ratchet is arranged so that the non-engagement area is adjacent to the locking member when the switch is pulled to a fully extended position, in which the examiner interprets the braking device (100) to be a functional equivalent to the ratchet is arranged so that the non-engagement area is adjacent to the locking member when the switch is pulled to a fully extended position (figure 2 and paragraphs 28-32) as recited in claim 33.

A tension setting device operable to increase or decrease the force applied by the spring, in which the examiner interprets the braking device to be a functional equivalent to tension setting device operable to increase or decrease the force applied by the spring (paragraph 31-32) as recited in claim 34.

A locking member operable to be moved by a person to fix the tension setting device at a desired position (paragraph 31-32) as recited in claim 35.

Cordell does not expressly disclose the following:

A ratchet including a plurality of co-acting teeth configured in pairs to define a plurality of notches and the ratchet operates to lock the switch and cord in at least one extended position as recited in claim 21.

Hollowed teaches the following:

A ratchet including a plurality of co-acting teeth configured in pairs to define a plurality of notches (col. 8, lines 19-53) and the ratchet operates to lock the switch and cord in at least one extended position (summary and figure 4) as recited in claim 21.

By having a braking device, one of ordinary skill in the art would provide a user to extend and retract a controller or the like to a desired length without exceeding the maximum length of the cord.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cordell to include a ratchet *including a plurality of co-acting teeth configured in pairs to define a plurality of*

notches and the ratchet operates to lock the switch and cord in at least one extended position as taught by Hollowed to provide a user to extend and retract a controller or the like to a desire length without exceeding the maximum length of the cord.

6. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell (US 2004/0140617) in view of Hollowed (US 6,293,485) as applied to claim 21 above, further in view of Hughes, IV (US 6,120,025).

7. Cordell in view of Hollowed disclose the claimed invention as discussed above except for the following:

The switch includes a relatively rigid housing and the switch operable with the processor to control a function of the game, in which the examiner interprets the switch to be an equivalent to the remote controller (figures 1-4) as recited in claim 22.

The function is selected from the group consisting of: a play function, a bet increment function, a max-bet function, a repeat the bet function, and a cash out function (paragraph 28 and figure 1) as recited in claim 23.

Cordell discloses the claimed invention as discussed above except for the following:

A relatively elastomeric cover disposed on the housing as recited in claim 22.

The elastomeric cover is disposed on the housing via adhesion, mechanically or via a molding process as recited in claim 24.

Hughes, IV teaches the following:

A relatively elastomeric cover disposed on the housing, in which the examiner interprets the covering material (110) to be an equivalent to a relatively elastomeric cover disposed on the housing as recited in claim 22.

The elastomeric cover is disposed on the housing via adhesion, mechanically or via a molding process (column 6, lines 33-53 and figures 4a and 7) as recited in claim 24. By having elastomeric material disposed on the housing, one of ordinary skill in the art would provide a non-slip grip for the user, enabling more effective use of the controller.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cordell to include a relatively elastomeric cover disposed on the housing and the elastomeric cover is disposed on the housing via adhesion, mechanically or via a molding process as taught by Hughes, IV to provide a non-slip grip for the user, enabling more effective use of the controller.

8. Claims 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell (US 2004/0140617) in view of Hollowed (US 6,293,485).

9. Cordell discloses the following:

A cabinet (12), a game operable upon a wager (52), a processor (46) operable to control the game, and a switch connected extendably, in which the examiner interprets the remote controller (14) to be a functional equivalent to a switch connected extendably and retractably to the cabinet via a cord (figures 1-4) as recited in claim 36.

One of the extended positions is a fully extended position (figure 2 and paragraphs 28-32) as recited in claim 37.

The mechanism recoils the cord automatically to a fully retracted position unless reset at an intermediate position by the person (figure 2 and paragraphs 28-32) as recited in claim 38.

The mechanism is spring activated (figure 2 and paragraphs 28-32) as recited in claim 39.

The multiple extended positions are first positions and which includes a plurality of second positions defined by the mechanism, each of the second positions operable to be self-maintaining when the switch is released from the person's grasp (figure 2 and paragraphs 28-32) as recited in claim 40.

Cordell does not expressly disclose the following:

A mechanism operable to enable the cord to be pulled by a person to multiple *predetermined* extended positions *defined by the mechanism* and then released by the person, wherein the cord in each of the extended positions will thereafter recoil automatically as recited in claim 36.

Hollowed teaches the following:

A mechanism operable to enable the cord to be pulled by a person to multiple *predetermined* extended positions *defined by the mechanism* and then released by the person, wherein the cord in each of the extended positions will thereafter recoil automatically (summary) as recited in claim 36. By having a mechanism operable to enable the cord to be pulled by a person to

Art Unit: 3713

multiple predetermined extended positions defined by the mechanism, one of ordinary skill in the art would provide a user to extend and retract a controller or the like to a desire length without exceeding the maximum length of the cord.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Cordell to include a mechanism operable to enable the cord to be pulled by a person to multiple *predetermined* extended positions *defined by the mechanism* and then released by the person, wherein the cord in each of the extended positions will thereafter recoil automatically as taught by Hollowed to provide a user to extend and retract a controller or the like to a desire length without exceeding the maximum length of the cord.

Response to Arguments

10. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

Art Unit: 3713


mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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